

Mr. Russell J. Gulley, Chairman

Mr. Reuben J. Waller, Jr., Vice-Chairman

Dr. William P. Brown

Mr. J. Dale Patton

Dr. Edgar V. Wallin

Mr. Kirkland A. Turner, Secretary to the Commission,

Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,

Planning Department

Mr. Rob Robinson, Senior Assistant County Attorney,

County Attorney's Office

Ms. Tara McGee, Senior Assistant County Attorney,

County Attorney's Office

Mr. Steve Haasch, Planning Manager,

Planning Department

Ms. Bonnie L. Perdue, Clerk to the Commission,

Planning Department

Mr. Greg Allen, Planning Manager,

Planning Department

Ms. Jane Peterson, Planning Manager,

Planning Department

Mr. Ryan Ramsey, Planning and Special Projects Manager,

Planning Department

Mr. Robert Clay, Planning and Special Projects Manager,

Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Scott Smedley, Director

Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department

Deputy Fire Marshall Anthony Batten, Fire and Life Safety,

Fire and EMS Department

Ms. Heather Barrar, Principal Planner,

Planning Department

Ms. Joanne Simmelink, Senior Planner,

Planning Department

Mr. Ray Cash, Code Keeper,

Providing a FIRST CHOICE community through excellence in public service

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

Mr. Gulley called the meeting to order.

II. INVOCATION.

Dr. Wallin presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agendas for July, August, September and October 2015.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VI. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VII. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizens' comments on unscheduled matters.

VIII. PUBLIC HEARING

- WITHDRAWAL BY APPLICANTS HISTORIC LANDMARK DESIGNATION. On 7/21/15, the Commission Held a Public Hearing on the below case, closed the public hearing and deferred action until 7/23/15
- A. <u>15HP0145</u>: In Dale Magisterial District, **John Vest and Ruth Cristene Vest** request historic landmark designation for the **Edgewood House** (structure only) in a Residential (R-15) District on

1.4 acres known as 5436 Hopkins Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 780-688-6823.

Mr. Kirk Turner stated Mr. and Mrs. Vest have withdrawn their request for historic designation.

• <u>DEFERRAL REQUEST BY APPLICANT – REZONING AND CONDITIONAL USE</u> PLANNED DEVELOPMENT.

B. 15SN0656: In Midlothian Magisterial District, Marc Greenberg and Midlothian Land Partnership, LLC request rezoning from Community Business (C-3) to Community Business (C-3) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 25.4 acres fronting 1450 feet on the north line of Midlothian Turnpike, 330 feet west of Winterfield Road; also fronting 230 feet on the west line of Winterfield Road, 315 feet north of Midlothian Turnpike. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District and Planned Transition Area uses. Tax IDs 724-709-1313, 2311, 2528, 4210, 5831, 6911, 9121; 725-709-1125, 2064 and 7635.

Mr. Nolan Blackwood, the applicant's representative, requested a ninety (90) day deferral to the October 20, 2015 Planning Commission meeting.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to defer Case 15SN0656 for ninety (90) days to the October 20, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

• DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER - SITE PLAN.

<u>15PR0236</u>: In Dale Magisterial District, **Steve Brickell** requests a transfer to the Planning Commission for decision of the approved site plan for Lucky Dog Industries, LLC Parking Improvements, Case 15PR0111, located in a C-5 District on approximately 0.80 acres of disturbed area at Route 10 and Canasta Drive. Tax ID 773-680-7615 and 8039.

Mr. Steve Brickell, the applicant, accepted deferral of Case 15PR0236 by Dr. Brown, to the August 18, 2015 Planning Commission public hearing.

Mr. Jack Wilson, the representative for Lucky Dog Industries, LLC Parking Improvements, stated this thirty (30) day deferral will give his client and the applicant time to work out a resolution.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission, on their own motion resolved to defer Case 15PR0236 to their August 18, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

CONSENT ITEMS – CONDITIONAL USE AND REZONING.

C. <u>15SN0659</u>: In Bermuda Magisterial District, **Walthall Self Storage Inc.** requests conditional use to permit an electronic message center sign and amendment of zoning district map in General Business (C-5) and General Industrial (I-2) Districts on 22.9 acres known as 14324 Jefferson Davis Highway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business and Industrial uses. Tax ID 800-644-3883.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0659 and acceptance of the following proffered condition:

PROFFERED CONDITION

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 800-644-3883("the Property") under consideration will be developed according to the following amended proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

We hereby offer the following proffered conditions:

- 1. In addition to Ordinance requirements any computer-controlled, variable message, electronic sign shall conform to the following standards:
 - a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
 - b. The message or display shall be programmed to change no more than once every thirty (30) seconds;

- Sequential messaging shall be prohibited;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animation effects shall be prohibited;
- f. The electronic message center shall be incorporated into the existing freestanding sign; and
- g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 50 feet. The sign shall have a photocell that automatically adjusts the brightness according to the ambient light conditions. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

D. <u>15SN0663</u>: In Bermuda Magisterial District, **Henry D. Moore** requests rezoning from Residential (R-25) to Neighborhood Office (O-1) and amendment of zoning district map on 8.3 acres fronting 430 feet on the east line of Ashton Dell Road, 260 feet south of West Hundred Road; also fronting 250 feet on the south line of West Hundred Road, 440 feet east of Ashton Dell Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (1.5 dwellings per acre or less). Tax ID 785-651-Part of 1484.

Mr. Henry Moore, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0663 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1. No direct vehicular access shall be provided from the property to West Hundred Road. (T)
- 2. Permitted uses shall be limited to the following:
 - a) Nursery schools and child or adult day care centers
 - b) Offices
 - c) Church and/or Sunday schools (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

CONDITIONAL USE – OTHER.

A. <a href="15th: 15th: 15th:

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial as the request does not comply with the Plan, is not compatible with area uses and may set a precedent for future development.

Ms. Dana M. Phinney, the applicant, noted her intent to care for three (3) adults over the age of sixty-five (65) in her home. She and her mother have operated homes similar to this in Powhatan for over fifteen (15) years. Five (5) of those years were with State licensing. To make her business profitable using the State licensing guidelines, she would have to care for eight (8) patients. Her service is an alternative to a large facility with more personalized care.

Mr. Gulley opened the floor for public comment.

Ms. Robin Henway spoke in support of the applicant.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

Dr. Wallin stated there was a community meeting where all were in support. This is a unique case, and with the conditional use, the applicant is asking for three (3) years. She has made significant improvements to the home which was vacant and rundown for some time and has experience with operating a home for elder care and he will support the case.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0655 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1. <u>Non-Transferable Ownership</u>: This conditional use approval shall be granted to and for Dana Phinney, exclusively, and shall not be transferable nor run with the land. (P)
- 2. <u>Group Care Facility Residents</u>: This conditional use approval shall be limited to providing group care services to a maximum of three (3) adults who reside on the premises. Any resident receiving group care services on the subject property shall be a minimum of sixty-two (62) years of age. (P)
- 3. <u>Expansion of Use</u>: There shall be no exterior additions or alterations to the existing structure to accommodate this use, except alterations to meet Americans with Disabilities Act (ADA), building code requirements, or regulatory requirements

pertaining to the operation of a group care facility and the residents receiving group care in the dwelling. (P)

- 4. <u>Signage</u>: One (1) sign shall be permitted to identify the group care facility use. The sign shall not exceed four (4) square feet in area and three (3) feet in height. The sign shall not be illuminated. (P)
- 5. <u>Time Limitation</u>: This conditional use approval shall be granted for a period not to exceed three (3) years from the date of approval. (P)
- 6. <u>Employees</u>: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

COMPREHENSIVE PLAN AMENDMENT.

E. BON AIR SPECIAL AREA PLAN (14PJ0122)

An amendment to Chesterfield County's Comprehensive Plan, Moving Forward...The Comprehensive Plan of Chesterfield. The Bon Air Special Area Plan ("Plan") encompasses the area bounded by Jimmy Winters Creek to the west, Huguenot Road to the north, the City of Richmond boundary formed by power lines to the east, as well as the area south of the railroad tracks bounded by Belleau Drive, West Bon View Drive, Logan Street, Jahnke Road and Brown Summit Road, as generally shown on The Land Use Map.

The Plan does not rezone or change legal use of property. It would amend Chapters 10 (Land Use Plan), 11 (Special Area Plans) and 15 (Implementation) of Comprehensive Plan. Sections include: Introduction-Plan Overview, Plan Goal, Issues & Opportunities, Guidelines & Concept Plan, Design Plan, Infrastructure, Implementation, and Land Use Plan Categories & Map.

The Introduction Section provides information about the community including, among other things, history, location, development patterns, structures, and development trends.

The Plan Goal Section establishes the goal for the plan (a walkable village community where residents, businesses and the county work together to maintain and build upon the community's rich history, natural beauty and high quality of life) and provides general statements regarding future growth, development and infrastructure improvements that aim to achieve the goal.

The Issues and Opportunities Section identifies conditions, limitations and opportunities which include, among other things, zoning and development patterns; transportation infrastructure; pedestrian and bicycling infrastructure and amenities; adequacy of parking; the potential for aggregation, public space and community gateways as part of commercial redevelopment; historic preservation; tree canopy preservation; stormwater infrastructure; existing above-ground utility lines along roads; water and wastewater infrastructure; area public facilities; civic engagement; infrastructure funding; and various incentives to support recommended development patterns where permitted by applicable law.

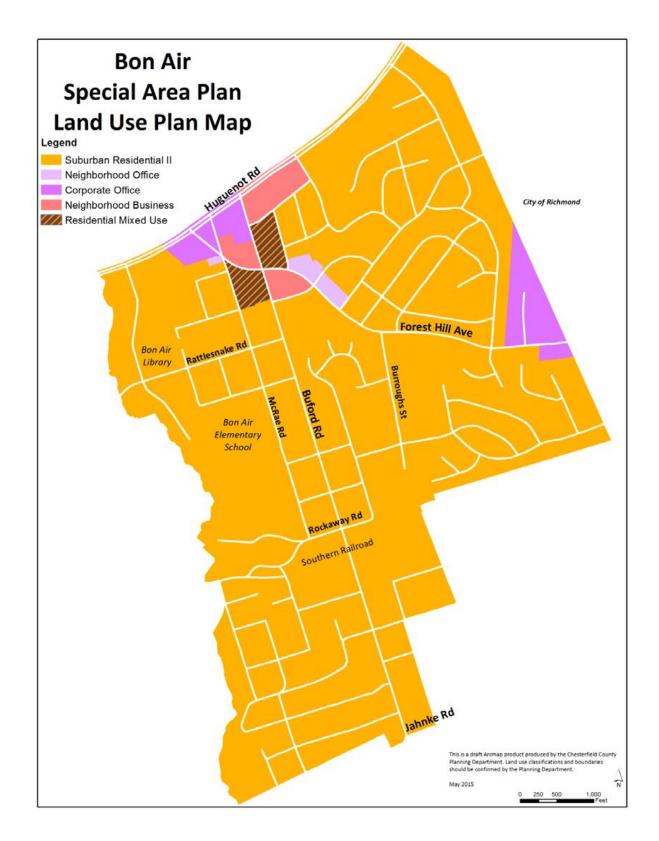
The Guidelines and Concept Plan Section guides community growth and development and addresses principles necessary to implement the goal of the plan. These include, among other things development standards that promote a walkable village style development pattern generally in the area around the intersection of Forest Hill Avenue and Buford Road and along Huguenot Road; transitional office uses; Streetscaping and Pedestrian Amenities; Economic Development that encourages small scale, neighborhood serving commercial, retail and office services; aggregation of property within the commercial core for redevelopment; incorporation of public spaces and gateway design features as part of development proposals; a neighborhood park facility; encouraging local historic designation; protection, preservation or replacement of trees to maintain the tree canopy; encouraging facade improvements to existing commercial structures; keeping existing area public facilities within the boundaries of the Plan; extension of wastewater systems throughout the plan geography; coordination of public infrastructure projects; stormwater treatment improvements at Bon Air Elementary; possible funding of improvements; civic association to foster investment, represent community concerns, and communicate effectively with government agencies; incentives to promote recommended development patterns; and coordination of projects with the City of Richmond.

The Design Plan Section provides illustrations of possible walkable village environments, including small scaled mixed use and neighborhood serving commercial development concepts envisioned by the Plan.

The Infrastructure Section identifies specific infrastructure recommendations aimed at achieving the goal of this plan including transportation, stormwater drainage, public wastewater, and park facilities.

The Implementation Section outlines amendments to the countywide Comprehensive Plan and includes steps to implement the goal and guidelines of the Plan to include, among other things, ordinance design standards; pedestrian and bicycle network improvements including a pedestrian and bicycle railroad crossing; development of a neighborhood park; stormwater treatment improvements; public wastewater extension; formation of a civic association; and relocating or burying above ground utilities along area roads.

The Land Use Plan Section outlines amendments to the countywide Comprehensive Plan. The following Land Use Plan Map Categories provide more specific direction for the evaluation of specific development proposals and details relative to suggested densities, development types and design and utility usage can be found the countywide Comprehensive Plan: Suburban Residential II-2.0 to 4.0 dwellings per acre; Neighborhood Business; Corporate Office; Neighborhood Office; and Residential Mixed Use. In areas designated for Residential Mixed Use the density standards should be reduced to a minimum of 8 units per acre for residential and buildings shall be a maximum of two (2) stories; non-residential uses should be located on the ground floor with residential uses on the second floor; and incorporation of residential townhomes fronting along McRae Road and Tinsley Drive into mixed use projects, providing a transition from the commercial core to the surrounding residential neighborhoods. The Plan suggests that the commercial core should have commercial uses which serve surrounding neighborhoods (such as small scale retail, office and personal services establishments); and have flexible zoning standards to encourage innovative, creative, and high quality design.



Ms. Joanne Simmelink presented an overview of the Bon Air Special Area Plan (BASAP). The current Plan was adopted in 1986. The new plan builds on the countywide Comprehensive Plan

and incorporates community input through various community outreach opportunities held during the planning process. The community outreach opportunities began in Spring/Summer of 2014 with community workshops, surveys, small group meetings, and staff attending many community events. A draft Plan was formulated based upon the community input and comments. The community reviewed the draft Plan in Spring 2015 and Staff reviewed and considered all of the comments and made changes based upon that feedback. An additional public meeting was held in June 2015 to review these changes. The BASAP goal is for a walkable village with streetscapes and pedestrian amenities that focuses on the history, natural beauty and high quality of life in Bon Air. The Plan encourages public spaces, neighborhood parks, historic preservation, tree canopy, appropriate village-scale land uses and design and gateway features. The Infrastructure Plan identifies specific improvement projects with the community that include a pedestrian and bicycling network, mini roundabouts, crosswalks and pedestrian signals, pedestrian and bicycle railroad crossing, wastewater extension areas and neighborhood park concepts. Implementation of the plan's recommendations will involve other county processes and will require additional community outreach and input.

Mr. Gulley opened the floor for public comment.

Ms. Karen Kardian, spoke about aging septic systems, stated the County should provide septic systems and supports the Bon Air Special Area Plan but wants sewer to be a top priority.

Ms. Connie Sarvay and Ms. Sue Springer, spoke in support of septic systems being provided and keeping affordable housing in Bon Air for retirees and those on fixed incomes, do not want more commercial businesses in the area and expressed concern over traffic.

Mr. Marvin Gregory from 2727 Buford Road inquired if he could keep his office space at that location based upon new potential zoning. Mr. Turner advised Mr. Gregory see Ms. Simmelink after his comments.

Mr. Luther Dixon spoke in favor of the Bon Air Special Area Plan regarding the cycling and pedestrian area paths and supports that form of infrastructure.

Ms. Tara Semtner, representing the Bon Air Historical Society, does not support the Bon Air Special Area Plan and they find the development incompatible with the character of Bon Air.

Mr. Jim McCool, Mr. Bob Williams and Ms. Marie Quinn spoke against the Plan citing a waste of taxpayer's money and the area not needing more traffic or commercial development.

Ms. Alison Burnette supports the Bon Air Special Area Plan and would love to see bike paths and walking paths in Bon Air.

Ms. Terri Willoughby, supports sidewalks, pedestrian and cycling paths,trails and streetscaping but is against the commercial development. There are too many empty commercial locations to see the need to build more and would take away from the essence of Bon Air.

Ms. Kathleen Levenston, supports the Bon Air Special Area Plan and it could improve the safety in the area with bike and walking paths in the area.

Ms. Carole Andrews requested that the Commission consider not tearing down homes to build new

construction and financially she could not afford to move. As she interprets the Plan currently, her home is in the area where homes would be torn down and this would create a hardship for her.

Ms. Ann Clarke, lives in Richmond but grew up in Bon Air and feels much of the feedback from the community about the BASAP was ignored. She supports sidewalks for safer pedestrian access but is opposed to having any more commercial property introduced in the area.

Ms. Maggie Pace commented the traffic is bad, people drive fast and have asked for speed bumps but the County has not done anything to help. It is not a safe place for children to play and any increased traffic would make it worse. She does support bike trails, walking trails and burying the power lines but does not support any redevelopment or commercial development.

Ms. Kitty Snow, Ms. Amy Waters and Mr. Chris Bellamy support anything to improve public safety but they do not support commercial development.

Ms. Sara Berger, Ms. Liz Baker, Mr. Chuck Gates, Ms. Dina Leahy, Ms. Cristophile Konstas, Mr. Brian Batherson, Ms. Darlene Holland and Mr. Thomas Berge do not support the commercial development of the Bon Air Special Area Plan. They support sewage connections, connecting sidewalks to schools and the library, pedestrian crosswalks, parks, traffic calming measures and good infrastructure.

Mr. Robert Steele, President of Bon Air House also known as Bon Air Community Association, has over 1000 members and is one of the oldest community associations in the County. They support more sidewalks and bikeways, more traffic calming measures to slow traffic down to keep this like a true village, safe pedestrian travel to cross Buford Road, better signage for schools and businesses, better lighting and have it brought down closer to pedestrian level, they would like a safe place to walk, and they would like to see utilities on public sewage.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. Waller stated the Bon Air Special Area Plan, does not rezone property, does not require anyone to sell their property or affect how they use their property today. He does not know why this way of thinking came about and would like to put citizen concerns to rest about eminent domain or condemnation of property. This is the first opportunity that the Commission has had to discuss the Plan as a body. He is not sure that the Plan is ready to go forward tonight and would like to have a discussion on Buford Road and Huguenot Road.

Dr. Brown reiterated that no homes will be taken from homeowners and new construction will not take over existing homes in the Bon Air Special Area Plan or the Comprehensive Plan. The planning process tries to identify what market forces are going to do and to keep what people like about the community.

Mr. Patton stated he heard the passion from the residents that spoke about the Bon Air Plan. He understands why mixed use would cause concerns and hears the desire for accessibility with walking paths and pedestrian crosswalks which are strong components that keep a village feel to the Plan. The citizen involvement will make this a better product and at this point, he is hesitant to support the Plan as it has been presented this evening.

Dr. Wallin stated the reason we have special area plans is so Planning can tailor the Plan to accommodate a specific neighborhood. While most speakers this evening support the infrastructure of the Plan, he also acknowledges there is room to make some modifications. He would be opposed to any part of the plan where anyone's home will be taken and stated there needs to be more time to talk to the people and spend more time designing the plan before he can support it.

Mr. Gulley stated he has been on the Commission the longest and has been involved in many different Plans. He stated the problem is a marketing issue for this Plan. He would like to see more focus on things that people all support like sidewalks, pedestrian crosswalks, keeping a village feel and having a mixed use that the citizens will support.

Mr. Waller stated the plan will not remain static and it's the rate and direction of change that is difficult to project. The younger generation still finds this a good place to live and work. He thinks within sixty (60) days we could move forward with a reformulated Plan and sixty days is enough time to give Staff time to make that happen. He will endeavor to find out where the next Bon Air meeting will take place at least ten (10) days prior to the neighborhood meeting and have Staff communicate to all interested parties.

Mr. Gulley stated that he will direct Staff to re-advertise the plan again and within the sixty (60) days we can get the changes we spoke about in the Plan. Mr. Gulley asked for the blackline version.

Dr. Wallin stated the people here at the meeting should make an effort to make their desires known to Staff about what changes they want.

Dr. Brown stated that he supports a sixty (60) day deferral to ensure that all of the people understand what this reformulated Plan addresses.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to continue the public hearing on the Bon Air Special Area Plan to the September 15, 2015 Planning Commission public meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

IX. OTHER BUSINESS.

There was no other business discussed.

X. <u>CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.</u>

There were no citizen comments on unscheduled matters.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Patton, seconded by Dr. Wallin, that the meeting adjourned at 8:43 p.m. to Tuesday, August 18, 2015 at 4:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.	
AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.	
Chairman/Date	Secretary/Date